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The Criminal Class and the Ecology of Crime

Barbara Weinberger*

Abstract: The paper discusses the rise of the concept of a criminal class and seeks to analyse its reality at the local level. To this end it investigates the socio-economic characteristics of areas housing a high proportion of people who appeared before the courts in a late Victorian English city, and demonstrates what role and function these areas and their inhabitants fulfilled. The basis for the study is a sample drawn from defendants appearing in the Birmingham magistrates court over selected years. Three areas housing a high proportion of criminals were identified from the addresses of the defendants. Two further samples, based on the 1871 census, made clear the nature and extent of these areas, which were labelled the lodging house, Irish and canal-side (or red light) districts respectively, according to their defining and differentiating characteristics. The evidence for the existence and nature of these areas and of the defendants who lived there is presented in statistical and tabular form, after which the discussion moves on to consider the way in which such areas functioned within the economy of the city and how they were dealt with, and regarded, by the authorities.

This paper seeks to establish some of the realities behind the mid-Victorian concept of an habitual criminal class that exercised policy-makers and the legislature in the second half of the nineteenth century. With the ending of the transportation of convicts to the colonies, prisoners now served out their penal sentences in mainland prisons. But the idea of issuing a ticket-of-leave or conditional discharge for good behaviour, taken over from colonial practice, aroused much dissension during the passing of the Penal Servitude Act (1853). It was this part of the Act which led to the most controversy and which aroused the fears of the public about hordes

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of unreformed convicts being released into their midst - leading eventually to the tighter measures of identification and control contained in the Habitual Criminals Act (1869) and the Prevention of Crimes Act (1871).

While it seems paradoxical that an increasingly harsh penal policy was enacted between 1850-1870 during this classic period of social peace, the paradox should alert one to the newly prominent role being ascribed to criminals in society. In order to see why this was so, it will be necessary to say something about how the concept of a criminal class came to serve the wider purpose of those who wished to present a new image of society, based on the ideal of a common purpose and a cooperative relationship. As fears of social revolution faded after mid-century, the sense of threat came to be focussed on the dangerous or criminal classes who could not be fitted in to this consensual framework.

If one asks what purpose the idea of a criminal class served, it can be argued that this replaced a more open acknowledgement of class conflict. With the general denial of a conflict of class interests that characterised public discourse after mid-century, another model of social relations between the classes was required - one which presented the relationship as an alliance based on the acceptance of common moral values and standards of behaviour. But the persistence of crime and disorder presented a challenge to this consensual picture, and came to be attributed to a residuum of the dishonest and disreputable poor who congregated in the large cities and who appeared immune to the general moral and material improvements of the day. The term 'criminal' and 'residuum' to describe these people came to be used almost interchangeably, with the implication that the former was inevitably a member of the latter.⁽¹⁾ The two categories were further considered synonymous through the close connection of both with the same inner-city slums and rookeries, and an address in these parts of town was enough to stigmatise its residents - at the very least - as undesirable neighbours and workmates. At the same time, harsher penal measures and more rigorous methods of identifying and designating habitual criminals were enacted to encourage the idea that, unless moral reform intervened, there was a clear dividing line separating members of the criminal class from the rest of the working class. Divisions within the working class between the rough and the respectable were certainly acknowledged and emphasized by the middle class, just as they were accepted and strongly maintained within the working class in the late Victorian period. Independent and respectable came to characterise the position of the working-class elite in its relations with employers and other members of the bourgeoisie, while the criminal class was neither, with its members living on their wits in a largely hand to mouth existence, and in a disreputable manner.

One function of the criminal class, in consequence, was that it served to maintain the boundaries of the respectable/rough continuum. It was this

aspect that was to come to the fore in the discussions in the national press, in specialist gatherings, and in Parliament about 'What to do with our criminals' - with suggestions ranging from separate labour colonies to incarceration for life. However, it must be emphasized that the debate emanated largely from the capital. Public fears had fastened on the ticket-of-leave man, but seem to have been aroused almost exclusively by incidents of robbery with violence in London, which were transposed in the early 1860's into a well-publicised moral panic.⁽²⁾ The immense size of London, the unknown quality of the lives and circumstances of much of its labouring population and its base as the home of the national press made it the natural setting for the dissemination of such panics. Londoners' fears of violent crime, broadcast in the national press, were also fuelled by statistical evidence on the large numbers of 'known thieves and depredators' revealed in the new series of Judicial Statistics, published annually from 1856. Evidence from experts over the problems of dealing with criminals after the ending of transportation, newspaper hysteria over incidents like the 'garotting' outbreak in London in 1862, and the panic and shock caused by the invasion of the mob in the Hyde Park railings affair culminated in the passing of the Habitual Criminals Act of 1869, which gave such criminals a legal recognition and label. The government was led, through a series of Royal Commissions and Select Committees, to enact legislation imposing registration, regular reporting to the police and police supervision on ticket-of-leave men. Meanwhile, a photographic record and entry into a criminal registry distinguished those not subjected to penal servitude, but twice convicted of a felony, as habitual criminals rather than as occasional offenders.

With the passing of the Habitual Criminals Act in 1869, the legal position of anyone having a previous conviction for felony worsened considerably since the Act applied a separate set of legal principles to those designated habitual criminals, which concerned not just a small number of special cases but the large numbers who were thought to belong to the 'criminal classes'. This was made clear when the Bill was introduced in Parliament. Lord Kimberley stated that:

In dealing with the criminal class, we must not confine our attention to those convicted of grievous offences and undergoing penal servitude. We must view the whole of what are usually called the criminal classes, and I regret to say that large as may appear the number of convicts ... the number of the criminal classes is far larger. It is in fact a great army - an army making war on society, and it is necessary that society should for its own defence make war upon them.⁽³⁾

The Habitual Criminals Act and the Prevention of Crime Act which followed in 1871 saw the culmination of Victorian efforts to categorise and segregate a criminal class from the rest of the working population, and much public comment focussed on the supposed inherent differences bet-

ween the convicted and other members of the working class. In this respect, the employment difficulties of ex-prisoners, for example, could be presented as an advantage rather than the reverse, in that they held the two groups apart. The prison chaplain, W.D. Morrison gave voice to this view when he wrote of released prisoners that:

These men hang upon the skirts of labour and seek shelter under its banner, but it is only for short and irregular intervals that they march in the ranks of actual workers. The real working man knows such people well, and heartily despises them.(4)

Similarly, in the city of Birmingham with which this paper is concerned, those working for the Discharged Prisoners Aid Society noted a comparable attitude amongst workmen which made for difficulties in placing ex-prisoners because of 'the opposition by fellow-workmen if they discover that there is a discharged prisoner amongst them'(5). The line of distinction between the criminal and the respectable working man was, it seems, being upheld as much by such workmen as it was by the legislature.

The Habitual Criminals Act provided that a person twice guilty of felony was to be subject to police supervision for up to seven years, and, if a further summary offence was committed, to imprisonment for one year. The circumstances which defined such offences provided the police with a licence to detain anyone under police supervision whom they chose, and for magistrates to imprison such defendants without proof - as Section 8 of the Act makes clear:

... whereas doubts are entertained as to the nature of the evidence required to prove ... the intention to commit felony; be it enacted that in proving such intent it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose of intent, and he may be convicted if from the circumstances of the case, and from his known character as proved to the justices or magistrates it appears ... that his intent was to commit a felony.(6)

When introducing the Bill, this aspect of the proposed legislation was defended, as follows:

I think that we are perfectly justified in shifting the burden of proof in certain cases from the accuser to the accused. Nobody honours more than I the good old maxim of English Law that a man shall be presumed innocent until he shall have been proved guilty: but there can be no harm - on the contrary, it seems to me perfectly consistent with justice to the individual himself and to be demanded by justice to society - that men who by repeated crimes have shown that they set the laws of society at defiance should be placed under a different code - that a special law should be made applicable to them - that, to a certain extent, they should be under a disability, and should have the burden of proving that they are earning a livelihood by honest means.(7)

Belief in the existence of a distinct criminal class here found its clearest expression; and, armed with the special powers conferred by the Act, it was thought that police and magistrates would now easily be able to confirm who, amongst the swarms of petty criminals swept into the courts from the inner-city slums, were the habitual criminals that the Act had been designed to select out for special treatment.

To what extent was this the case? What effect did the Act have on the local administration of justice, and how far was there an attempt to identify a distinct criminal class in the localities? The evidence is ambiguous. On the one hand, the tone of the national debate seems totally incongruous if one looks at the treatment of crime at the local level. Outside London, the magistrates knew that they were not dealing with members of a dangerous class. In place of the penal rhetoric and warnings of moral contamination, one gets dismissals of defendants, fines and short prison sentences, with only a half-hearted attempt at implementing the reforming or retributive schemes of the penal and reformatory idealogues. At the local level the idea of a criminal class, and of areas containing a high proportion of criminals, had a different function, other than maintaining the boundary between the rough and respectable. Here it served to justify the neglect and exclusion of an under privileged section of the community by the municipal authorities, and by employers who had no use for such large numbers of unskilled and indisciplined workers. But on the other hand, everyone knew that there were some areas in the city that were considered dangerous, where crime and criminals were rife, and there is clear evidence that an address in these areas did have a detrimental effect on the reputation of defendants from these areas in the eyes of the police and the magistrates, and on the severity with which the courts might deal with them. But, although young males from these areas tended to get picked on, there was no attempt to enforce a rigorous policy to separate the habitual from the non-habitual offender. Thus where one defendant with a previous conviction might be sent to a higher court, another would be let off with a fine or short prison sentence.

In order to try and establish whether a distinct criminal class could be distinguished on the ground in the critical decade of 1867-1877 when this question was being widely discussed and arousing most interest and concern, the rest of this paper will look at the evidence provided by the city of Birmingham.

Three samples were drawn in order to see what distinguished the areas with recorded high crime rates. A 1 per cent census sample of the 1871 census population of Birmingham aged over ten was used to identify a range of social areas as indicated by the clustering of social class, ethnic origin, occupation and housing tenure variables. A second sample consisted of defendants appearing in the magistrates court, as reported daily in

the Birmingham Gazette. Normally, the defendant's name, age, address and occupation was stated, and at least three of these variables had to be given before the defendant was included in the sample. The resulting sample of 5,437 was derived from the cases of all the defendants reported on over four selected years, starting in October 1867. The other sample years were 1870, 1873 and 1876. Comparison with the official judicial statistics showed that this constituted around 7 to 10 per cent of recorded cases. The addresses of the defendants were then plotted on a map of the city - one for each year - which enabled one readily to identify which were the high crime streets and areas. One inner-city street, named Thomas Street, which was largely given over to lodging houses stood out in particular. This street produced more defendants over the four-year period than any other street in the city. In order to assess in what way the inhabitants of Thomas Street differed from others, a further sample of all the people in Thomas Street over ten in the 1871 census was compared with a similar sized sample drawn from the streets making up the social areas identified above. In all, eleven streets were analysed and five social areas distinguished, as follows: a lodging house area, represented by Thomas Street; an Irish area; a middle class area; and two areas based on Birmingham's staple trades of jewellery and gun-making. The numbers of defendants from these streets who appeared in court provided a ranking order of social area ranging from no crime to high crime areas. The statistical evidence is presented in the following Tables. Table 1 provides the comparative social area evidence on crime cases, while Table 2 shows the criminal statistics for three high crime areas identified from the maps.

An examination of Table 1 confirms the picture given by the crime maps that no other street in Birmingham in the decade housed so many known offenders as Thomas Street. In 1871, 476 people over ten were living in this street, which gives an offence rate of 8 per cent (which, if calculated for males only would rise to 13 per cent). This signifies a substantial percentage of defendants from Thomas Street since the number of cases reported in the newspaper was only a fraction of the total - amounting in 1871 to 10 per cent of cases. Even so, the Thomas Street rate is nearly double the offence rate of 5 per cent for the whole city in 1871, calculated for the population over ten.

In order to demonstrate how distinctive Thomas Street was as a criminal enclave, the numbers of known defendants from three high crime areas, identified from the maps, have been tabulated. Table 2 shows that in four years, and twelve streets, there was only one occasion when more defendants were drawn from any street other than Thomas Street, and this was from a street with a much larger population (Park Street). The first group in Table 2 includes the streets immediately adjacent to and parallel with Thomas Street, in order to assess how far the criminal area extended. The-

Table 1

Numbers of Defendants appearing in Court from eleven named Streets in 1868, 1871, 1874 and 1877

	1868	1871	1874	1877	Area Total
<u>Lodging House Area</u>					
Thomas Street	30	37	37	44	148
<u>Irish Area</u>					
Allison Street	18	10	21	15	64
<u>Gun Area</u>					
Weaman Row	0	0	0	0	20
Bath Street	2	1	1	1	
Whittal Street	0	0	2	1	
Princip Street	5	2	3	2	
<u>Middle Class Area</u>					
Newhall Street	1	0	0	0	7
Easy Row	0	0	0	0	
Great Charles Street	3	0	2	1	
<u>Jewellery Area</u>					
Caroline Street	0	0	0	0	0
Vyse Street	0	0	0	0	

se streets each contained some lodging houses, but far fewer than Thomas Street. The second group was situated in what was known to contemporaries as the Irish quarter, and includes Park Street - famous locally as the site of the anti-Irish 'Murphy' riots of June 1867. The third group was the canal-side area with its wharves and warehouses and many brothels, which were said to be the best paying properties in town.(8) Out of an estimated 188 brothels in Birmingham, one hundred were allegedly to be found in the canal-side neighbourhood.(9)

The figures in Table 2 confirm that Thomas Street was a consistently and outstandingly high crime street. Not only did it house more defendants than other streets, but in contrast with the three streets adjacent to it, where there was a tendency for criminality to decrease over the period, Thomas Street became more criminal over time.(10) There are a number of reasons for the existence of such a large criminal population in Thomas Street. Firstly, the lodging houses attracted the rootless and homeless, the casually employed and unemployed, and the social misfits. Such a milieu was tolerant of and conducive to criminal activities, since lodging house keepers were not particular about whom they gave a bed to for the night,

Table 2

Defendants Appearing in Court from High Crime Streets in 1868,1871,1874,1877; and as a percentage of each street's 1871 population over ten

	1868; %	1871 %	1874i %	1877 %	Popula- tion
<u>Lodging House Area</u>					
Thomas Street	30 6.3	37 7.7	37 7.7	44 9.2	476
John Street	14 2.0	12 1.7	26 3.8	8 1.1	672
London Apprentice St	14 4.8	8 2.7	7 2.4	4 1.3	291
Lichfield Street	27 3.7	28 3.9	16 2.2	13 1.8	717
	85 3.9	85 3.9	86 3.9	69 3.2	2,156
<u>Irish Area</u>					
Park Street	27 3.5	28 3.6	42 5.4	24 3.1	765
Allison Street	18 4.1	10 2.3	21 4.8	15 3.4	429
Bordesley Street	6 0.2	7 0.8	8 0.9	11 1.2	852
Fazeley Street	8 3.2	4 1.6	10 4.0	9 3.6	249
	59 2.5	49 2.1	81 3.5	59 2.5	2,294
<u>Canal-side Area</u>					
Wharf Street	9 5.3	4 2.3	22 13.0	7 4.1	168
Fordrough Street	4 0.9	3 0.6	10 2.2	9 2.0	440
Navigation Street	3 0.5	1 0.1	3 0.5	4 0.7	501
Suffolk Street	19 4.3	10 2.2	7 1.5	8 1.8	438
	35 2.2	18 1.1	42 2.7	28 1.8	1,547

and were conveniently placed to act as receivers. Nearly half of the Thomas Street population lived in lodging houses (46 per cent), which is a larger proportion than for any other street in Birmingham at that time, and is the single most important factor making for and sustaining the criminal reputation of the street. Secondly, in the eyes of the police, the common lodging houses sheltered a generally socially undesirable and suspect population who had no fixed address. Police powers of access under the Common Lodging Houses Act of 1853 enabled them to enter and search the premises without a warrant, which was an encouragement to the police when conducting enquiries to go and look first where access was easy. Thomas Street was thus doubly vulnerable, externally to the police,

and internally through its lack of community cohesion and defence because of the transient life style of the majority of the inhabitants. It was openly referred to as a thieves quarter by the police.(11)

The other high crime areas had a different character. In the Irish quarter ethnic differences were crucial, and a largely defensive Irish subculture offers an explanation for the area's criminality, expressed in confrontations with the police and in gang warfare - both of which were largely absent from Thomas Street; while the canal-side area forms an interesting contrast with the other two high crime areas, in that it was neither socially disorganised nor ethnically distinct, but saw its criminality relating to a much smaller percentage of the area's population (at 8%, compared with 11% in the Irish and 15% in the lodging house areas). Here, crime was largely confined to its own criminogenic institutions in the form of brothels.

Table 3 offers the statistical backing for these statements and compares the nature of the offence and the type of sentence passed on defendants from the three high crime areas with that of all Birmingham's defendants for the relevant years as shown in the Judicial Statistics.

As will be readily apparent from Table 3, the Birmingham courts believed they were dealing with a largely criminal population in defendants who came from the three high crime areas. Not only were the majority brought to court for larceny offences rather than the misdemeanours like drunkenness which occupied the court in nearly three-quarters of all cases brought; but their offences were also viewed far more seriously, in that a very much greater proportion were sent on to the higher courts and a much smaller proportion were discharged than was generally the case. Differences between the areas are also of interest since they tend to corroborate the earlier description given about them: in the Irish quarter criminality tended to be expressed, due to inter-ethnic tensions, in the form of assault, with by far the highest proportion of assault cases originating in this quarter. The higher percentage of larceny, and of more seriously regarded cases in the canal-side area suggests that a more organised and professional type of crime originated there; while the typical offences of the lodging house area fell somewhere between the two. It appears less criminal than the canal side, in that there were more charges for minor offences and the smallest proportion sent on to the higher courts, while the proportion of assault cases was substantially lower than in the Irish quarter. At the same time the influence of the lodging house area's bad reputation, and especially of Thomas Street, is most clearly revealed in the high proportion arrested on suspicion and the low proportion who had their cases dismissed.

The final Table shows the occupational distribution of habitual criminals as compared with other defendants and the general population sample.(12)

Table 3

Type of Offence, Arrest on Suspicion, Type of Court and Sentence per defendant from three High Crime Areas and the Judicial Statistics

	Lodging Hse Are*i	Irish Area	Canalside! Area	Judicial Statistics
<u>Type of Offence</u>	%	%	%	%
Larceny	68	58	71	12
Assault	20	31	19	15
Misdemeanour	12	11	10	73
<u>Arrest on Suspicion</u>	4	3	3	
Thomas Street only (n«148)	7			
<u>Court/Sentence</u>				
Magistrates only	54	56	54	64
Higher Court	19	21	31	2
Remand	9	7	5	
Discharged	8	6	10	34
Discharged (Thomas St. only)	4			
	n » 335	253	128	60,123

There is little to distinguish habitual criminals from others in the occupational statistics set out in Table 4, except that a much smaller percentage were listed as without an occupation. This category applied chiefly to married women and to children, of whom there were very few amongst habitual criminals; reluctance on the part of the Bench to send such individuals to the higher courts indicates that this group did not conform with the magistrates view as to who might constitute an habitual criminal.^) Even so, the remaining distribution of occupations between the two groups of offenders is not entirely proportionate. Thus white-collar and artisan occupations are under-represented, and metal trade, semi and unskilled occupations over-represented among habitual criminals. This tendency is in keeping with the general occupational differences between the census sample and all offenders; among the habitual criminal group the differences were simply more pronounced. The dividing gulf is between all offenders and the non-offenders, with three or four times as many labourers and an over-representation of the unskilled and semi-skilled among offenders than among the population in general. But there can be

Table 4

Occupation of Habitual Criminals compared with Total Sample of Offenders and 1871 Census Sample

Occupation	1868		1871		1874		1877		Census
	All	H.C.	All	H.C.	All	H.C.	All	H.C.	%
Labourer	15	19	10	12	11	16	15	18	4
Hawker/carter	6	5	8	7	7	6	7	5	4
Tailor/shoemkr	4	10	5	8	4	5	4	5	5
Metal trades	29	36	33	43	31	48	28	45	26
Building trade	3	5	2	7	3	5	4	4	2
Other artisan	5	2	5	4	5	3	4	3	4
Other semi-sk	5	9	7	8	7	9	5	10	4
Servant	2	4	3	5	2	3	1	1	5
Clerk/shop asst	2	1	3	1	4	0	4	2	3
Shopkeeper	3	1	5	0	3	2	7	2	4
Agent/dealer	3	1	2	2	3	2	2	1	2
None(= women/ children)	18	6	15	3	18	1	13	4	33
Other	3	0	2	0	2	0	6	0	4
n =	1213	139	1251	128	1549	149	1424	156	2515

no suggestion that habitual criminals formed an occupationally distinct group in relation to other offenders - most being drawn not from labourers, but from the staple metal trades of the town. One might best characterise the occupational distribution of habitual criminals as representing one end of a continuum, with non-offenders at the other extreme, and the total sample of offenders in between. In summary, it appears that the criteria for defining habitual criminals succeeded in selecting out a group of young male metal workers as the typical habitual criminal in the Birmingham of the 1870's.(14)

We have now set out some of the defining characteristics of Birmingham's criminal quarters and discussed the means by which they were identified. The question remains as to what part these quarters played in the life of the city and how and why they were perpetuated. The first point to note is that the people from these quarters fulfilled their main economic role in Birmingham largely as casual labour for the small workshop and garret masters in the hardware and sweated trades; but in the period with which this paper deals, the section of those trades which relied on casual

labour was in decline. The larger employers were beginning to look for a better regulated system of labour relations. Here, Joseph Chamberlain's acceptance of the trade unions formed an important plank in the reformist programme that conquered the city when he became mayor in the 1870's, and provided the basis for an alliance between an organised labour movement and the new liberals. Unionised labour and the larger manufacturers became united in their efforts to regulate the deleterious effects of excessive competition,⁽¹⁵⁾ as opposed to the free trade policies and cut throat competition that existed among the small masters and independent artisans, with their dependence on a pool of cheap casual labour. In consequence, city councillors and the town's major industrialists were more interested in building up the institutions for the elevation, education and improvement of the upper strata of the working class, and in formalising their working relationship with them than in taking cognisance of a section of the population who brought them no votes, no profit and nothing but trouble.

The Council had no interest either in measures to ameliorate conditions in the areas where the residuum lived. Equally, neither town development nor the economic situation were conducive to material improvements in the standard of living of the residents in the high crime areas. Most relevant in this regard, as far as the lodging house area was concerned, was the position of the gun trade. The traditional gun-making workshops had been established near to the centre of town since the middle of the eighteenth century in what was one of its most densely populated wards, where the interdependence of many of the branches of gun-making meant that special concentration was an advantage. Constantly fluctuating economic prospects determined that an increase in the production of guns was secured largely by an intensification of land use in years of high demand. The extreme fluctuations in the trade, together with the semi-skilled nature of many of the job operations was reflected in its organisation, in which the relatively simple job operations encouraged quick entry into the trade at peak periods, while the lack of fixed machinery or large scale capital investment gave great flexibility to the gun master in minimising his risks. His chief function was to acquire semi-finished parts and give these out to specialised craftsmen, who were independent manufacturers executing the orders of several gun masters.⁽¹⁶⁾ It was these craftsmen who would employ extra hands as and when they were needed to execute an order. But while about 7,000 workmen were engaged in the gun trade at the start of the 1860's, it was said that not two thirds were constantly employed, and of the genuine gun workers, not a third had been engaged regularly or full time for some years.⁽¹⁷⁾ This was the main reason for the continuation of the trade on its dilapidated and congested site. It was next to, and dependent on, the pool of cheap casual labour available in the adjacent lodging

house area, although the gun quarter's share of the market was in decline from the early 1860's onwards because of competition from the military arms factories established at Small Heath and at Enfield.(18) But without access to a cheap labour market, the gun quarter's trade could not have survived at all.

The trade's economic prospects and the nature of the labour force on which it chiefly relied are in strong contrast with that of the jewellery trade - a contrast which was directly reflected in the differing crime rate between the two areas. While the jewellery trade was also highly specialised, it was less liable to fluctuations in demand, with the period 1867-1877 as a time of great prosperity for the jewellers. Until the mid-1870's the greater part of all jewellery was made by hand, one man usually making the complete article.(19) The high level of skill required and the steadier level of demand meant that a reserve pool of semi-trained labour was of no advantage to the jewellery masters, and some jewellers would only employ skilled adult labour. And where a gun master could exercise little direct control over his workforce, due to the large degree of subcontracting in the trade, employees in the jewellery trade worked under the eye of the jewellery master - with dramatic consequences on the offence rate - not one offender from the jewellery quarter appearing before the courts in the sample years.

The last two high crime areas had a different economic position within the local economy. While the canal-side area with its many brothels provided the town with its red-light district, the Irish quarter gave shelter to the major group of low status immigrants into Birmingham. Located in one of the poorest parts of the town, the Irish quarter was intersected by railway lines and sidings and it was near to the smoke and stench of the iron foundries. The Reverend T.J. Bass wrote of this area where he had his parish that it was not only the poorest parish in Birmingham, but one of the very poorest in England.(20) Its Irish inhabitants appear to have operated largely at the level of a subsistence economy, with their main economic activity revolving around unskilled jobs that the indigenous population did not want or as self employed tailors, shoemakers, or shopkeepers or else they eked out a living as hawkers, bill stickers and rag and bone merchants. They were strikingly unsuccessful at gaining entry into the staple metal trades of the town, and thus represented little economic threat to the local labouring population, but this did not prevent the rise of racial antagonisms. Hostility to a group who were generally disliked as aliens, with an alien culture and tradition, increased during the period of Fenianism in the 1860's; while the traditional fears that the Irish lowered the living standards of the working class by accepting the lowest possible wages, were reactivated in years of general economic depression. Thus in 1870 Marx could still claim that:

Every industrial and commercial centre in England now possesses a working class divided into two hostile camps, English proletarians and Irish proletarians. The ordinary English worker hates the Irish worker as a competitor who lowers his standard of life... He cherishes religious, social and national prejudices against the Irish worker.(21)

Anti-Irish sentiment probably remained the norm rather than the exception among sections of the working class. In Birmingham it offered a focus and a target for the frustrations of inner-city youths which became institutionalised in gang warfare, especially in the Irish quarter, and which made a significant contribution to the number of assault cases originating in this area.

City centre development also accentuated the criminogenic character of the high crime areas. The building of two railway passenger termini in the 1850's alone involved the clearance of seven acres of slums in the town centre.(22) But to the east, in the Irish quarter, the environment deteriorated as the area became the focus for the town's railway sidings and shunting yards. Here, railway development enhanced what had already been slums, while in the gun quarter the poor physical fabric of this already densely occupied site deteriorated further as the better off manufacturers and respectable artisans moved out, leaving behind the poorer inhabitants in wretched, delapidated buildings. Thus the social distribution of the population changed under the impact of ecological development from its pre-industrial pattern to one of increasing social segregation. In consequence the negative features of the high crime areas were intensified. The population of the gun quarter increased by 10 per cent between 1861 and 1871; that of the lodging house area by 14 per cent and that of the Irish quarter by 8 per cent. The crowding of newcomers to the town and of the urban poor displaced from redevelopment in the centre into the run down streets and courts in these areas accelerated throughout the decade. In the Irish and the lodging house areas, the defining characteristic of each became more pronounced with the Irish quarter gaining 2 per cent more Irish, while the lodging house area gained a staggering 25 per cent of lodgers over the decade. The number of lodging houses in Thomas Street grew and it ceased to cater for families, instead becoming a home of last resort for those unwilling or unable to maintain one for themselves. To a large extent, these were the unskilled and semi-skilled; and the period thus saw the greater spatial confinement and segregation of this group, and of the unskilled Irish, which found its reflection in the criminal statistics. The economic role of the high crime areas and their inhabitants is thus fairly clear. Their social role, however, is fraught with conflict and contradictions, although at the local level, the idea of a criminal class, or more accurately of areas containing a high proportion of convicted people, probably served two functions. On the one hand, it served to maintain the boundary between the rough and respectable, and to provide the bottom

end of a scale of status distinctions based on residence and life style which were so important to the Victorian working class; and on the other, it also served to justify the neglect and exclusion of an under-privileged section of the community by the municipal authorities, and by employers who had no use for such large numbers of indisciplined workers.

The social segregation of the town's slum dwellers largely insulated them from outside observers, so that the shock and surprise when the slums were penetrated during periods of redevelopment was therefore all the greater.(23) The first shock came with an inquiry set in train by Chamberlain's proposal that the council undertake an improvement scheme in the centre of town under the provisions of the 1875 Artisans Dwellings Act. The medical officer of health and the Improvement Committee reported with horror on the conditions they found in the central slums, and Dr Hill gave notice that a very large part of the improvement area was in such a dangerous state of dilapidation that it was unfit for human habitation.(24)

The improvement scheme provides the outstanding example in Birmingham for the elite's attitude to the slums and their inhabitants, amongst the worst of which were the high crime areas, and of the measures proposed to deal with the problem. Chamberlain's grand vision of a revitalised Birmingham included driving a great boulevard through the centre of town, thereby demolishing some of the town's worst slums. But although he made full propaganda use of the advantage which his scheme would confer in getting rid of an insanitary area this was only incidental to his purpose, since he took no account of, and made no provision for, the population that his scheme was to displace. His motive was entirely one of civic pride and financial advantage for the local authority. Chamberlain contented himself with the hope that the removal of the slums would automatically remove the problems of the people who lived in them. He told the Council that:

It is no more the fault of these people that they are vicious and intemperate than it is their fault that they are stunted, deformed, debilitated and diseased. The one is due to the physical atmosphere - the moral atmosphere as necessarily and surely produces the other. Let us remove the conditions, and we may hope to see disease and crime removed.(25)

During this same period when the improvement scheme was under discussion there was an outbreak of street disturbances centered chiefly on the Irish quarter and continuing over a number of years, which led to comments in the national press after an Assize judge reported that 'night after night the streets of Birmingham become the scene of an almost irrepressible violence and brutality'. Chamberlain was delegated by the Council to send a reply refuting these charges. The denial of allegations of disorder on the part of the town council points to an attitude on the part of

the authorities that the rowdyism in certain areas of town was of concern to few people other than the local inhabitants. What clearer evidence could there be that these people were excluded from the rights and responsibilities of full citizenship than the indifference which their living conditions aroused, and with which their disreputable behaviour was received? Chamberlain, who was as jealous of the reputation of Birmingham as of his own, simply brushed the problem aside - in total contrast to his hopes for the elevation of the working class and his campaign for moral reform - where he was concerned that the working class should be taught to spend more on raising their standard of living and less on drink. But the people he was mostly referring to here were not the roughs at the bottom but the sort of workmen who were his employees. Since the roughs rowed chiefly amongst themselves, there was no compelling reason for the authorities to intervene. Their hopes and efforts for the improvement of the working class were restricted to the respectable section, and no serious effort was made to curb the excesses of the residuum.

The period covered by this paper saw the physical, social, economic and political transformation of Birmingham. With the redevelopment of the city centre for commercial and civic purposes, the establishment of the Liberal party with its tight machine, the build-up of the suburbs, and the rise to greater dominance of the larger manufactureres and of factory production, many of the pre-industrial features were being eliminated. How did this effect the high crime areas and their inhabitants with which this paper has been concerned? Some of the streets in these areas were wiped out by redevelopment. Thomas Street and the surrounding streets were demolished in 1891. Many of the old staple trades - most notably guns and buttons - were in decline, with the great depression from 1876-1886 marking a watershed.⁽²⁶⁾ The traditional site of the gun trade was so badly hit by the decline in demand, and by competition from new factories like the Birmingham Small Arms Company and others that it had less and less use for the surplus labour supplied by the lodging house area. In many ways, therefore, the position of the residuum worsened, since there was a decreasing economic function for it. By the end of the century the most impoverished had left the city centre and were mostly to be found living in the south-eastern wards around the old Irish quarter. This quarter maintained its criminal reputation, and here the street gangs continued to reign. But the criminal class had been bypassed by the major developments that had taken place in the town. They had not been given the vote, nor been rehoused, nor gained access to new trades and occupations. While a criminal reputation clung to the area and its inhabitants, they continued to be treated as outcasts rather than as a danger. Few voices were raised in their defence, since the attitude of the authorities towards this section of the community was supported and sustained by a similar attitude among the

rest of the working class. While the stigmatisation of the residents in certain areas as deviants and criminals may have been initiated by the authorities, it could hardly have persisted throughout the century except in the absence of any countervailing view. There is no evidence for the existence of such a view, while there is certainly evidence of the strong desire among all sections of the working class above the lowest to draw and maintain the status distinctions they perceived to exist between themselves and the strata below them.

When discussing the sources and mechanisms of stability in class relations in the period, historians have chiefly stressed the role of the respectable section of the working class in seeking or agreeing to accommodation with the bourgeoisie. Less attention has been paid to the role of the residuum in unwittingly helping to forge class stability after mid-century through the example they provided of values and life styles which were increasingly being rejected by their social class neighbours. The disorderly and disreputable behaviour and disorganised lives of the residuum aroused few feelings of sympathy or solidarity among mainstream members of the working class. On the contrary, in a situation where class boundaries were being realigned to accommodate finer gradations within the working class, status distinctions between the various strata came to assume a new importance. There was little active support for the political economist Alfred Marshall's plea that working class involvement was necessary to help to 'solve' the problem of the residuum, as the counterpart to the progressive incorporation of the rest of the working class into the pale of the constitution; or for his feeling 'that the residuum ought not to exist, and that they will exist till the working class have themselves cleared them away'.⁽²⁷⁾

Instead, working class involvement largely mirrored that of the authorities since its response, like theirs, ranged mostly from indifference to ostracism. How far the working class achieved social and political standing and acceptance through their exclusion of the residuum merits more attention than it has so far received, but it is maintained here that this aspect formed an important part of the criminal classes' social role. While there is little evidence that either the authorities or the general population took seriously the notion of a distinct criminal class, there is much which points to a general stigmatisation and ostracism of the people living in certain parts of town, with outsiders being only too ready to label all the residents as thieves or other undesirables. The Habitual Criminals Act may well have strengthened this tendency, although at the local level it was not able to promote hard and fast distinctions between habitual, and other, offenders.

Notes

1. For a discussion on the perceived connection of the residuum with pauperism and criminality in London in the 1860's, see G. Stedman Jones, *Outcast London*, Harmondsworth 1976, pp. 243-4.
2. For a discussion, see J. Davis, 'The London Garrotting Panic of 1862: A Moral Panic and the Creation of a Criminal Class in mid-Victorian England', in V.A.C. Gatrell, Bruce Lenman and Geoffrey Parker (eds), *Crime and the Law: The Social History of Crime in Western Europe since 1500*, London 1980, pp. 190-213.
3. Hansard, First reading of the Habitual Criminals Bill, House of Lords, 3rd Series, CXCVIII, 26 February 1869, p. 338.
4. W. D. Morrison, *Crime and its Causes*, 1891, p. 126.
5. *Birmingham Gazette*, 26 January 1867.
6. Habitual Criminals Act, Part III, 8.
7. Earl of Kimberley, First reading of the Habitual Criminals Bill, *op cit*, p. 340.
8. Micaiah Hill, *The Dark Side of Town: Facts and figures taken from official documents* (Birmingham, 1880).
9. This was the figure quoted in court by a brothel owner who had houses in Wharf Street and Fordrough Street. 16 May 1877, *Birmingham Gazette*.
10. Table 2 makes clear how greatly offence rates between contiguous streets could vary. This underlines the need for great care in drawing area- based conclusions concerning the individuals who live there, if the 'ecological fallacy' is to be avoided and the researcher is not to fall victim to their own labelling procedures. See W.S. Robinson, 'Ecological Correlations and the Behaviour of Individuals', *American Sociological Review*, 15, 1950.
11. *Birmingham Gazette*, 9 January 1868.
12. All those appearing at Quarter Sessions or Assizes who were found guilty of a felony after a previous conviction were noted for the sample years. On this evidence, they could have been termed habitual criminals, according to the terms of the Habitual Criminals Act, and have been designated as such in Table 4.
13. It must also be borne in mind when accounting for the lower rate of habitual criminals amongst those with no stated occupation that many children would not yet have collected more than one conviction.
14. The data on the sex and age of offenders is available, but has not been included in Table 4. Around a fifth of all offenders, and habitual offenders, were female. Prostitutes were listed as such, and so do not come into the category of those without an occupation. They have been entered under 'Other' in Table 4.

15. See Robert Harper, *Cooperation as Contrasted with Competition: A Letter to the Working Men of Birmingham* (Birmingham, 1867).
16. G.C.Allen, *The Industrial Development of Birmingham and the Black Country 1860-1927* (London, 1929), p. 116.
17. 'Artifex' and 'Opifex', *The Causes of Decay in a British Industry*, Birmingham 1907.
18. A. Briggs, *History of Birmingham*, Vol. 11, 1952, p. 49.
19. J. C. Roche, *History, Development and Organisation of the Birmingham Jewellery and Allied Trades*, Birmingham 1927, p. 27.
20. Rev. T.J. Bass, *Everyday in Blackest Birmingham*, **Birmingham 1898**.
21. Marx to S. Meyer and A. Vogt, 9 April 1870. Quoted in S. Gilley, 'English Attitudes to the Irish in England 1780-1900', in (ed. C.Holmes) *Immigrants and Minorities in British Society*, 1978, p. 109.
22. J.R. Kellett, *The Impact of the Railways on Victorian Cities*, 1964, p. 141.
23. See Rev. T. J. Bass who wrote that 'one may casually pass for a lifetime along the Saltley tram route and never become acquainted with the awful character of the neighbourhood', op. cit, p. 8. Also J. A. Fallows, *Facts for Birmingham. The Housing of the Poor*, Birmingham 1899.
24. Representation of Dr. A. Hill, Report of the **Improvement Committee**, 6 October 1875. Birmingham Town Council Reports.
25. Chamberlain's address to the Council, quoted in J. T. Bunce, **History of the Corporation of Birmingham**, Vol 11, Birmingham 1885, p. 465.
26. G. C. Allen, op. cit, p. 211.
27. Quoted in E.P. Hennock, 'Poverty and Social Theory in England: The Experience of the 1860's', *Social History*, 1, January 1976.